

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES RAYMOND CHERRY,

Defendant.

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CASE NO. 04-CR-90040

CASE NO. 10-CV-10112

HON. MARIANNE O. BATTANI

**ORDER GRANTING DEFENDANT'S REQUEST FOR EXTENSION OF TIME  
TO FILE HIS TRAVERSE/REPLY TO RESPONDENT'S RESPONSE**

This matter is before the Court on Defendant's request for additional time in which to file his reply brief (Doc. No. 176) to his Motion to Vacate Sentence Under 28 U.S.C. § 2255. The Court **GRANTS** Defendant's motion for the reasons that follow.

Defendant James Cherry's reply is due on or before April 9, 2010. According to Cherry, he is unable to file a reply in compliance with the deadline because of his limited access to the law library and because of his limited access to legal assistance. He asks the Court for a forty-five day extension.

Under the Federal Rules of Civil Procedure, when a party is required to act within a specified time, the court may, "for good cause," extend the time. FED. R. CIV. P. 6(b). Defendant has provided a sufficient basis to show that additional time is needed.

Accordingly, the motion is **GRANTED**. Defendant must file his reply on or before **May 25, 2010**.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: April 7, 2010

### **CERTIFICATE OF SERVICE**

Copies of this Order were mailed to Defendant and counsel of record on this date by ordinary mail and electronic filing.

s/Marianne O. Battani  
Case Manager